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10634
Derrick Michael Reid, Esq.

PATENT

#5
The Aerospace Corporation

PO Box 92957 M1/040

Docket No. D-362

4 Los Angeles Ca 90009-2957

5 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

6 ----- Petition to Revive

7 Applicant - Dafesh, Philip A.) Abandoned Application

8 Serial No. - 09/318,560) Abandoned Notice of

9 Filed - 05/26/99) Date: 9/10/2002

10 Title - Quadrature Product) Los Angeles, California

11 Subcarrier Modulation) Date: 10/01/02

12 System) Commissioner of Patents

13 Art Unit - 2634) and Trademarks

14 Examiner - Jiang, L. R.) Washington, DC, 20231

15 ----- Dear Sir:

16 PETITION TO REVIVE ABANDONED PATENT APPLICATION

17 Applicant hereby petitions the commissioner of patents to
18 revive abandoned patent application serial number 09/318,560, under
19 37CFR 1.181 or alternatively, 37 CFR 1.135.

20 The Commissioner of Patents and Trademarks is authorized to
21 charge Account No. 010428 for any fees deemed due in connection

10/24/2002 22 00000008 010428 09318560
01 FC:1453 with the filing of this document in the U.S. Patent and Trademark
280.00 CH

23 Office. Under 37 CFR 1.181, this petition should be a no fee

24 petition, or alternative a petition under 37 CFR 1.135. (See CRF

25 1.17(l) and 1.17(m))

Applicant submits herein a declaration of Derrick Michael Reid, and attaches hereto a true and correct copy of the amendment mailed for filing in the US PTO on 01/24/02.

REMARKS

Applicant's patent attorney, Derrick Michael Reid, prepared, printed and personally mailed to the US PTO the herewith amendment on 01/24/02. Apparently, that amendment got lost in the mail, at about the time when the PTO, and other governmental institutions were having trouble with mailing in view of collateral ANTHRAX mailings. In the subject patent application, the claims were deemed allowable, and the misplaced amendment was directly only to correcting very minor informalities. The failure in mailing appears to been unavoidable or at least unintentional. Applicant requests revival of the patent application. Under 37 CFR 1.181, this petition should be granted as the amendment should be deemed to have been mailed, and as such, applicant should not be charged a fee. Alternatively, this petition, under 37 CFR 1.135 should be granted.

Respectfully Submitted

Derrick Michael Reid

Derrick Michael Reid

DECLARATION OF DERRICK MICHAEL REID

I Derrick Michael Reid hereby declare that:

1. I am the attorney of record, and I received in my office on or about 9/20/02, a 9/10/02 notice of abandonment for the above-referenced patent applications.

2. On 9/24/02, I checked my computer files, and examined the contents of file "D362amd.doc", and found that the file was 28KB in length and dated by my computer on 1/24/02.

3. I keep my computer date and time clock accurate to within one hour for changes in daylight saving times.

4. I then checked my billings for the month of January 2002, and realized that I was in my personal office that day of 1/24/02. I do not have a secretary, and my regular routine is to personally position papers for mailing by the exit door upon printing, and pick them up as I leave for home, stopping by the postal drop box on my way home, and I do personally mail amendments that are printed at home for filing, as my regular method of mailing. In the case of personally mailing by me with a certificate of mailing, my regular routine is to print two copies, one for mailing and another for the client file. I then prepare the mailing envelope, and stuff, stamp, and lick the envelope myself, and set the letter by the front door for mailing at the end of the day. On my way out of the office, I pick up the prepared envelopes, and go by the post office that is on the way home. I then personally mail one copy with proper postage in the post box to the patent office, and

1 retain in my briefcase the second copy for filing in the client
2 file. A copy of the amendment was located in client file on 9/20/02
3 with the certificate of mailing. After reviewing the amendment,
4 certificate of mailing, 37 CFR, and the MPEP, this petition was
5 drafted on 9/27/02, for filing with the patent office.

6 5. On information and belief, the amendment apparently got lost in
7 the mail, and I am aware that there were mailing difficulties in
8 the US PTO in late 2001 and early 2002.

9 6. I hereby declare that all statements made herein are of my own
10 knowledge and are true, and that all statements made on information
11 and belief are believed to be true; and further that these
12 statements were made with the knowledge that willful false
13 statements and the like so made are punishable by fine or
14 imprisonment or both under Section 1001 of Title 18 of the United
15 States Code and that such willful false statements may jeopardize
16 the validity of the application or any patent issued thereon.

17 Derrick Michael Reid

18 Derrick Michael Reid

19 CERTIFICATE OF MAILING

20 I, hereby certify that this correspondence is being deposited
21 in the United States Postal Service in an envelop with First Class
22 full postal prepaid thereon addressed to: Commissioner of Patent
23 and Trademarks, Washington D.C. 20231.

24 Date: 10/01/02

Derrick Michael Reid

Derrick Michael Reid

D362

SN: 09/318, 560

Datesh

Petition to Review
4 pages
Amendment 2 pages

Mail Room Stamp

